

111TH CONGRESS  
1ST SESSION

# H. R. 3094

To strengthen the Occupational Safety and Health Act of 1970 by revising regulations to increase worker safety on construction sites and, consequently, to protect child trespassers from unforeseen dangers.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2009

Ms. EDWARDS of Maryland introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To strengthen the Occupational Safety and Health Act of 1970 by revising regulations to increase worker safety on construction sites and, consequently, to protect child trespassers from unforeseen dangers.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Alexander L. Booker  
5       Child Protection Construction Site Safety Act”.

6       **SEC. 2. REVISION OF REGULATIONS REQUIRED.**

7       Not later than 1 year after the date of the enactment  
8       of this Act, the Secretary of Labor shall revise regulations

1 promulgated under the Occupational Safety and Health  
2 Act of 1970 (29 U.S.C. 651 et seq.) and contained in sec-  
3 tion 1926 of title 29, Code of Federal Regulations as fol-  
4 lows:

5 (1) Revise section 1926.200—

6 (A) in subsection (a), to require that signs  
7 and symbols be on prominent display when a  
8 hazard exists, even during hours when work is  
9 not being performed;

10 (B) in subsection (b)(1), to require danger  
11 signs to display clear warnings to children, as  
12 well as adults, of the danger present in a con-  
13 struction site, including signs indicating the  
14 danger of equipment present on such site, and  
15 shall warn such individuals to not enter the site  
16 or touch or tamper with such equipment; and

17 (C) in subsection (b)(2), to require danger  
18 signs to be large in size and contain graphic  
19 figures, such as a person falling with a no tres-  
20 pass sign overlaying the figure, to indicate the  
21 present danger of falling or other bodily harm  
22 present on the construction site.

23 (2) Revise section 1926.600(a)—

24 (A) in paragraph (1), to require that all  
25 equipment left unattended at night, adjacent to

1 a highway in normal use, construction areas  
2 where work is in progress, or schools or other  
3 areas where children are known to congregate  
4 (such as bike trails and parks), have adequate  
5 and sufficient barricades—

6 (i) preventing access to the equipment  
7 by any person;

8 (ii) equipped with appropriate lights,  
9 reflectors, and signage warning trespassers  
10 to keep out and indicating that construc-  
11 tion equipment is enclosed; and

12 (iii) surrounding areas of imminent  
13 danger such as areas near transformers or  
14 sink holes; and

15 (B) in paragraph (3)(ii), to require that,  
16 when not in use, all equipment must set the  
17 parking brakes and have devices attached,  
18 which—

19 (i) cannot be triggered by the inser-  
20 tion of coins or other objects; and

21 (ii) set off an audible alarm when  
22 tampered with or broken.

23 (3) Revise section 1926.601(b)—

1 (A) in paragraph (1), to require that all  
2 motorized vehicles be equipped with safety lock  
3 systems which—

4 (i) shall render the vehicle inoperable  
5 when the vehicle is not in use;

6 (ii) cannot be triggered by the inser-  
7 tion of coins or other objects;

8 (iii) which trigger an audible alarm  
9 when broken or tampered with; and

10 (iv) are inspected regularly for  
11 functionality; and

12 (B) in paragraph (11), to require that op-  
13 erating levers controlling hoisting or dumping  
14 devices on haulage bodies or start or stop de-  
15 vices on motorized construction equipment, in-  
16 cluding all-terrain vehicles, shall be equipped  
17 with safety latches or other devices which—

18 (i) will prevent accidental starting or  
19 tripping of the operating levers controlling  
20 hoisting or dumping devices on haulage  
21 bodies or start or stop devices on motor-  
22 ized construction equipment;

23 (ii) ensure that, once the safety  
24 latches or other devices are engaged and

1 the motorized equipment is turned off, the  
2 motorized equipment cannot be started;  
3 (iii) cannot be triggered by the inser-  
4 tion of coins or other objects; and  
5 (iv) will trigger an audible alarm when  
6 such safety latches or other devices are  
7 tampered with, removed, or destroyed.

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